

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 08-CR-0029

EVERETT RUBIO,

Defendant.

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**ORDER**

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Counsel for the Defendant in the above matter has submitted a CJA-24 form requesting a transcript of the plea hearing in the above matter. Counsel indicates that there appears to be confusion about what occurred at the plea hearing on November 6, 2008. He notes that his own recollection was that there was confusion about the contents of the plea agreement and specifically whether or not a mandatory minimum penalty would apply.

Counsel's request, at least at this point, will be denied. The Court's own recollection is that any confusion was cleared up at the time of the plea hearing. If it appears at sentencing, which is scheduled to take place in approximately three business days, that the parties are in dispute over what occurred, a transcript can be prepared. Without further information and given the late date, however, it does not appear that a preparation of the transcript at this point is necessary. This is especially so in light of the fact that the clerk has offered counsel a CD containing the audio copy of what actually occurred.

**SO ORDERED** this 4th day of February, 2009.

s/ William C. Griesbach

William C. Griesbach

United States District Judge